



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue  
Seattle, Washington 98101

April 15, 1998

Reply To  
Attn Of: ECL-113

MEMORANDUM

SUBJECT: ESD - Pacific Hide and Fur

FROM: James Oesterle  
ORC Attorney

Neil Thompson  
Project Manager

*NR 4/15/98*

TO: Randy Smith  
Office Director

Attached are two documents for your signature; the Explanation of Significant Difference (ESD), and the First Supplement to Administrative Order for Remedial Action. Both of these documents reflect the decision by the PRPs to clean up the Pacific Hide and Fur Superfund site to a more protective level than was required by the Record of Decision (ROD). The ROD called for clean up to industrial use criteria, but the PRPs chose to remove additional contamination so that the site can be classified as residential use under CERCLA. This change is more protective of human health and the environment.

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# **EXPLANATION OF SIGNIFICANT DIFFERENCES (ESD)**

for the

## **PACIFIC HIDE & FUR RECYCLING CO. SUPERFUND SITE POCATELLO, IDAHO**

From the September 27, 1995,  
Final Operable Unit Record of Decision

### **1.0 INTRODUCTION**

#### **1.1 Site Name and Location**

Pacific Hide & Fur Recycling Company (Site)  
Pocatello, Idaho

#### **1.2 Lead and Support Agencies**

The U.S. Environmental Protection Agency (EPA) is the Lead Agency on this site. The Idaho Department of Health and Welfare, Division of Environmental Quality (DEQ) is the Support Agency for the site.

#### **1.3 Explanation of Significant Differences**

This document addresses a significant change to the Selected Remedy for the site-wide surface and subsurface soil excavation and off-site disposal of lead-contaminated soil described in the Final Operable Unit Record of Decision (ROD), dated September 25, 1995. The document provides an Explanation of Significant Differences (ESD) as required under Section 117(c) of CERCLA, and the National Contingency Plan (NCP), 40 C.F.R. Section 300.435(c)(2)(1).

#### **1.4 Circumstances Leading to the Changes to the ROD**

The ROD required the remediation of all lead (Pb) contaminated soils above an industrial land use scenario cleanup level of 1,000 mg/kg. During implementation of the selected remedy in 1996, the Potentially Responsible Parties (PRPs) performing the remedial actions proposed removing contaminated soils to levels at or below the more stringent residential

contamination criteria (400 mg/kg Pb). Confirmation sampling conducted by the PRPs following completion of the initial remedial action indicated that a minimal amount of lead contaminated soil remained above the residential land use level criteria. Given the low levels of remaining contamination, the PRPs proceeded in 1997 to develop and implement additional cleanup actions to remove all remaining soil with lead contamination above the 400 mg/kg level. The additional work reduced the risks to human health and the environment.

### 1.5 Administrative Record

This Explanation of Significant Differences will become part of the Administrative Record File for the Site. The record is available in the EPA Region 10 Records Center located at 1200 6th Avenue, Seattle, Washington, and at the information repository located at the Pocatello Public Library in Pocatello, Idaho.

### 1.6 Site Background

The Pacific Hide & Fur Recycling Company (Pacific) Superfund Site comprises an area of approximately 16.9 acres in the northwest region of Pocatello, Idaho, bounded on the north by State Highway 30, and on the south by the Union Pacific Railroad (UPRR) right-of-way. The Site is an aggregate of three contiguous properties, owned respectively by UPRR, Pacific, and the (b) (6) (b) (6) (McCarty), Figure 1. The UPRR property comprises about 4.0 acres along the southern boundary of the Site; the Pacific property comprises approximately 4.6 acres in the northwestern region of the Site; and the McCarty property comprises approximately 8.3 acres in the eastern section of the Site and includes a former gravel pit approximately 20 feet deep and covering approximately 3 acres.

The historical and current use of the site is metal recycling. The operators buy metal scrap and sort, cut, and ship out for reprocessing. The recycling of lead-acid batteries and electrical transformers are believed to be the primary sources of the chemicals of concern (lead and PCB) that caused the soil contamination problems. The site is still operating as Pacific Steel and Recycling, Inc.

Polychlorinated biphenyls (PCBs) were detected in the Site soils in 1983 and EPA conducted an Emergency Response Action (ERA). During the 1983 ERA, EPA removed 593 capacitors, approximately 30 cubic yards of contaminated soils and 20 drums of miscellaneous hazardous wastes for off-site disposal. The Site was listed on the National Priorities List (NPL) on September 21, 1984. Various remedial activities, focusing on the PCB contamination in the Site soils, were conducted between 1983 and 1990, including issuance of a Record of Decision (ROD) in 1988 identifying solidification/stabilization as the preferred

remedy for PCB-contaminated soils. In August 1990, additional sampling conducted by EPA identified lead (Pb) contamination. In April 1992, an amended ROD was issued dividing the Site into two Operable Units (OUs). The focus of the first OU was soils contaminated with PCBs and soils contaminated with commingled PCBs and lead. Over 15,000 tons of contaminated soil and scrap were disposed of during the remedial action for the first OU in 1992.

In 1993, a Remedial Investigation/Feasibility Study (RI/FS) for the Final OU (lead-contaminated soils) was conducted by EPA's designated contractor, Ecology and Environment, Inc. (E&E), using x-ray fluorescence (XRF) equipment and confirmatory laboratory analysis. The RI/FS also incorporated data collected during the 1990 and 1991 field investigations, as well as information obtained during confirmation sampling for the first OU remedial action. Based on the findings of the RI/FS, an amended ROD was issued for the Final OU in September 1995. On July 12, 1996, EPA issued an Administrative Order to the PRPs to clean up additional lead-contaminated soils that remained after the initial remedial actions were completed to remove the PCB and lead contamination. The field work to complete this Final OU was completed on November 13, 1997.

## 2.0 DESCRIPTION OF THE FINAL OU REMEDY IN THE ROD

The Record of Decision (ROD) for the Final Operable Unit for the lead-contaminated soil and scrap metal dated September 27, 1995, is the second of two operable units for this Site. The first operable unit involved remediation of soil and scrap material contaminated with polychlorinated biphenyls (PCBs) and commingled PCBs and lead. Groundwater monitoring was continued only to confirm that chemicals from the site were not contaminating local groundwater. The Final Operable Unit includes the proper removal of the groundwater wells and ending the groundwater monitoring.

This final operable unit addresses remediation of the remaining soil and scrap material contaminated with lead. The remedial action was selected to address threats associated with lead-contaminated soil and scrap material above lead health-based levels under a future industrial land use scenario. The specific components of the ROD which are being addressed by this ESD include:

1. Excavation, processing, transport, and disposal of all lead-contaminated soil above 1000 mg/kg.
2. Implementation of institutional controls including permanent fencing to restrict public access to the Site, and property restrictions limiting future

property usage to industrial operations [emphasis added] only on all properties that comprise the Site (the form of restrictions will be determined following issuance of this ROD).

The selected final operable unit remedial action was considered protective of human health and the environment, eliminating the risks above the 1000 mg/kg lead cleanup level posed through each pathway by removal, treatment to the extent practicable, and proper [sic] disposal of lead-contaminated soil. The selected remedial action was chosen to effectively and permanently remove on-Site lead-contaminated soils above levels protective of on-Site workers under a future industrial land use scenario. The selected remedy did, however, anticipate that lead and PCBs would remain above residential health-based levels, thereby prohibiting unrestricted future land use. Reviews were to have been conducted no less often than every five (5) years following initiation of the remedial action to ensure adequate protection of human health and the environment.

### 3.0 CHANGES IN THE SELECTED REMEDY REQUIREMENTS IN THE ROD

#### 3.1 Change in the Final Operable Unit ROD

The selected remedy at the Site is changed to remove Site-wide surface and subsurface soil, with proper off-Site disposal of lead-contaminated soil above 400 mg/kg, which leaves only lead-contaminated soils which have a level protective of future residential land use. The revised remedial action effectively and permanently removes on-Site lead-contaminated soils above levels protective of future residential health-based levels thereby allowing unrestricted (residential) future land use under CERLA criteria.

The institutional controls component of the ROD is deleted. A Deed notation will be placed on the property by the PRP to address State concerns regarding potential subsurface contamination. The Deed notation will contain a recorded notice to alert the environmental agencies of any pending excavation in an area of the Site known as the Restricted Area. The Restricted Area is identified as:

that portion of the site extending from the southeastern most property corner of the Site (known originally as McCarty's Property); northwesterly along the property line for 275 feet; southwesterly 90° from the property line for 350 feet; southeasterly parallel to the above referenced property line for 275 feet; northeasterly along the property line back to the original southeastern property corner. The Restricted Area approximates a rectangular shaped parcel (275 x 350 feet) in the southeastern most corner of the Site.

Because no known hazardous materials remain on-Site above health-based levels, no Five-Year reviews of the Site are needed to ensure adequate protection of human health and the environment.

### 3.2 Basis for the Change

The EPA is making this change in the remedy requirements as stated in the Final Operable Unit ROD because the Site was cleaned up to significantly lower concentrations of lead in the soil than was required in the ROD. During the course of implementing the selected remedy, the PRPs elected to remove lead-contaminated soil to less than 400 mg/kg to meet the residential and unrestricted land use criteria. All of the identified lead-contaminated soil on the Site above 400 mg/kg was removed by the PRPs. Additional sampling was done to confirm that all PCB-contaminated soil was removed to meet the residential use criteria concentration of less than 1.0 mg/kg. This is a significant change because it allows for unrestricted future use of the land.

The institutional controls component in the ROD has been deleted because it is no longer necessary to prohibit future residential land uses at the Site. There is, however, one limited area of concern identified by the State of Idaho in which future subsurface excavation may disclose some contamination. The area of concern has been identified as the Restricted Area and is described above. While surface sampling in the Restricted Area confirmed that the 400 mg/kg cleanup level had been met, the subsurface soils were not excavated. There is presently no information to suggest that there is contamination in the subsurface. A prohibition on future excavation in the Restricted Area, without EPA and State approval, will be imposed on the present landowner and all future landowners.

## 4.0 STATUTORY DETERMINATIONS

The EPA and DEQ believe that the remedial actions, which cleaned up the Site to lower concentrations of contamination than the ROD required, still remain protective of human health and the environment even when the Site has no land use restrictions under CERCLA. The changes in the remedy as described in this ESD comply with federal and state requirements that were identified in the ROD as applicable or relevant and appropriate to this remedial action at the time the original ROD was signed, and remains cost effective.

## 5.0 SUPPORT AGENCY COMMENTS

This ESD is consistent with EPA guidance and has been reviewed by the Idaho Department of Environmental Quality (DEQ). DEQ supports this action and the implementation of the changes to the Record of Decision.

## 6.0 PUBLIC PARTICIPATION ACTIVITIES

A public comment period is part of the final Consent Decree process which completes the cleanup of the Site. A Consent Decree is expected to be signed by the settling PRPs and the U.S. Government to complete the cleanup process. If there are any comments on the Consent Decree that would necessitate changes in the ROD, this ESD, or other aspects of the remedial actions, EPA would address those comments.

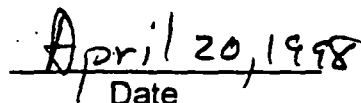
The public will be notified of the comment period for the Consent Decree as part of the Consent Decree process.

## 7.0 DECLARATION

This ESD change to the Final Operable Unit ROD continues to be protective of human health and the environment, complies with federal and state requirements that are legally applicable or relevant and appropriate to the remedial action, and is cost effective. This action utilizes permanent solutions and alternative treatment technologies to the maximum extent practicable and satisfies the statutory preference for remedies that employ treatment that reduces toxicity, mobility, or volume as a principal element.



Randall F. Smith, Director  
Office of Environmental Cleanup

  
Date

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This ESD is consistent with EPA guidance and has been reviewed by the Idaho Department of Environmental Quality (DEQ). DEQ supports this action and the implementation of the changes to the Record of Decision.

## 6.0 PUBLIC PARTICIPATION ACTIVITIES

A public comment period is part of the final Consent Decree process which completes the cleanup of the Site. A Consent Decree is expected to be signed by the settling PRPs and the U.S. Government to complete the cleanup process. If there are any comments on the Consent Decree that would necessitate changes in the ROD, this ESD, or other aspects of the remedial actions, EPA would address those comments.

A public notice of the comment period for both the ESD and Consent Decree will be announced publicly as part of the Consent Decree process.

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This ESD change to the Final Operable Unit ROD continues to be protective of human health and the environment, complies with federal and state requirements that are legally applicable or relevant and appropriate to the remedial action, and is cost effective. This action utilizes permanent solutions and alternative treatment technologies to the maximum extent practicable and satisfies the statutory preference for remedies that employ treatment that reduces toxicity, mobility, or volume as a principal element.

\_\_\_\_\_  
Randall F. Smith, Director  
Office of Environmental Cleanup

\_\_\_\_\_  
Date

NAME	Thompson	Williamson	Gearheard	Oesterle	Kowalski	
DATE	4/15/98	aw 4/20/98	<del>X</del>	4-16-98	4/16/98	
INITIALS	MS	4/20/98	<del>X</del>	JO	2/X	



1 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
2 REGION 10  
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4 IN THE MATTER OF: )

5 McCarty's/Pacific Hide and Fur )  
6 Superfund Site )

FIRST SUPPLEMENT TO  
ADMINISTRATIVE ORDER  
FOR REMEDIAL ACTION

7 Pacific Hide and Fur Depot, Inc., )  
a Montana Corporation, dba Pacific )  
8 Steel Hide Recycling Company; )  
McCarty's, Inc., an Idaho )  
9 Corporation; Lucent Technologies, a )  
Delaware Corporation; ANR Freight )  
10 System, Inc., a Delaware )  
Corporation; FMC, a Delaware )  
11 Corporation; Monsanto Company, a )  
Delaware Corporation; Pacific Fruit )  
12 Express Company, a Utah )  
Corporation; J.R. Simplot Company, )  
13 an Idaho Corporation; Terteling )  
Company, Inc., an Idaho )  
14 Corporation; and Union Pacific )  
Railroad Company, a Utah )  
15 Corporation, )

U.S. EPA DOCKET NO.  
10-96-0031 (CERCLA)

16 Respondents. )

17 Proceeding Under Sections 106(a) )  
of the )  
18 Comprehensive Environmental )  
Response, Compensation, and )  
19 Liability Act of 1980, as amended, )  
42 U.S.C. § 9606(a). )  
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21 I. INTRODUCTION AND JURISDICTION

22 1. This First Supplement to Administrative Order for  
23 Remedial Action (Supplement) modifies the Administrative Order on  
24 Remedial Action (Order) initially issued on July 12, 1996 to Pacific  
25 Hide and Fur Depot, Inc., a Montana Corporation, dba Pacific Steel &  
26 Recycling Company; McCarty's, Inc., an Idaho Corporation; Lucent  
27

28 FIRST SUPPLEMENT TO  
ADMINISTRATIVE ORDER FOR REMEDIAL ACTION

1 Technologies, a Delaware Corporation; ANR Freight System, Inc., a  
2 Delaware Corporation; FMC, a Delaware Corporation; Monsanto Company,  
3 a Delaware Corporation; Pacific Fruit Express Company, a Utah  
4 Corporation; J.R. Simplot Company, an Idaho Corporation; Terteling  
5 Company, Inc., an Idaho Corporation; and Union Pacific Railroad  
6 Company, a Utah Corporation, directing that each of the listed parties  
7 implement the remedial design by performing the remedial action for  
8 the remedy described in the Final Operable Unit Record of Decision  
9 (ROD), dated September 27, 1995.

10           2. Subsequent to issuance of the Order, Pacific Hide & Fur  
11 Depot, Inc., McCarty's, Inc., and Union Pacific Railroad Company  
12 (Respondents) notified EPA of their collective intent to comply with  
13 the terms of the Order. Respondents proceeded to implement the  
14 remedial action for the remedy described in the ROD.

15           3. The ROD required the remediation of all lead (Pb)  
16 contaminated soils above an industrial land use scenario cleanup level  
17 of 1,000 mg/kg. During implementation of the remedial action required  
18 by the Order, Respondents proposed removing additional contaminated  
19 soils to levels at or below the more stringent residential land use  
20 scenario cleanup level of 400 mg/kg. The additional remedial work  
21 proposed and subsequently undertaken by Respondents would reduce the  
22 risks to human health and the environment.

23           4. The additional remedial work proposed by Respondents  
24 represents a significant change to the selected remedy as described  
25 in the ROD. EPA has issued an "Explanation of Significant Differences  
26 (ESD) memorializing the additional remedial work proposed and  
27

1 undertaken by Respondents. The ESD, as required by Section 117(c) of  
2 the Comprehensive Environmental Response, Compensation, and Liability  
3 Act of 1980, as amended (CERCLA), 42 U.S.C. § 9617(c), and the  
4 National Contingency Plan (NCP), 40 C.F.R. § 300.435(c)(2)(1),  
5 documents that Respondents removed lead-contaminated soil to levels  
6 at or below the more stringent residential land use scenario cleanup  
7 level of 400 mg/kg.

8           5. This Supplement to the Order is issued under the  
9 authority vested in the President of the United States by Sections  
10 104, 122(a), and 122(d)(3) of CERCLA, 42 U.S.C. §§ 9604, 9622(a), and  
11 9622(d)(3). This authority was delegated to the Administrator of EPA  
12 on January 23, 1987, by Executive Order 12580 (52 Fed. Reg. 2926,  
13 January 29, 1987), and was further delegated to EPA Regional  
14 Administrators on September 13, 1987, by EPA Delegation No. 14-14-C.  
15 Under Regional Order Number R10 1290.3, this authority was further  
16 delegated to the Environmental Cleanup Office Director for EPA, Region  
17 10.

## 18                   II. SUPPLEMENTATION OF PRIOR ORDER

19           6. The intent of this Supplement is to modify the scope  
20 of paragraph 25 of the July 12, 1996 Order to read as follows:

21               Based on the foregoing, Respondents are hereby ordered to  
22               comply with all provisions of this Order, including, but  
23               not limited to, implementing all actions and performing in  
24               accordance with the requirements of the (a) ROD, as  
25               modified by the ESD; (b) SOW; (c) attachments to this  
26               Order; (d) documents incorporated by reference into this  
27

1 Order; (e) the Remedial Design documents; and (f) schedules  
2 and deadlines in this Order, attached to this Order, or  
3 incorporated by reference into this Order.

4 All remaining terms and conditions of the July 12, 1996 Order remain  
5 in effect.

6  
7 III. EFFECTIVE DATE AND SUBSEQUENT MODIFICATION

8 7. This Supplement shall be effective on the date it is  
9 signed by the EPA.

10  
11 BY: Randall F. Smith DATE: April 20, 1998  
12 RANDALL F. SMITH, Director  
13 Office of Environmental Cleanup  
14 U.S. Environmental Protection Agency  
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10  
11 BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
12 RANDALL F. SMITH, Director  
13 Office of Environmental Cleanup  
U.S. Environmental Protection Agency

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NAME	Thompson	Williamson	Gearheard	Oesterle	Kowalski	
DATE	4/15/98	aws		QMD	2/1	
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